

CITY ETHICS COMMISSION

Helen Zukin
President

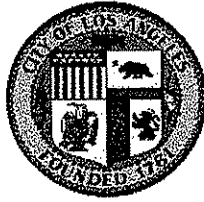
Sean Treglia
Vice President

Michael Camuñez

Nedra Jenkins

Paul Turner

CITY OF LOS ANGELES
CALIFORNIA



LeeAnn M. Pelham
Executive Director

200 North Spring Street
City Hall – 24th Floor
Los Angeles CA 90012
(213) 978-1960
(213) 978-1988 Fax
<http://ethics.lacity.org>

Whistleblower Hotline:
(213) 978-1999
(800) 824-4825

APPROVED

REGULAR MEETING OF THE
LOS ANGELES CITY ETHICS COMMISSION

Tuesday, September 5, 2008
9:30 a.m.

City Hall, Room 1050 – 10th Floor
200 North Spring Street
Los Angeles, CA 90012

1. Call to Order.

Commission President Helen Zukin called the meeting to order at 9:34 a.m.

Present: Commission President Helen Zukin, Commission Vice President Sean Treglia, Commissioner Michael Camuñez, Commissioner Nedra Jenkins, Commissioner Paul Turner.

2. Approval of draft minutes for the meeting of August 12, 2008.

Zukin asked for a motion to approve the minutes of the August 12 meeting. The minutes were approved 5-0.

3. Public Comment

There was no public comment.

4. Executive Director's report [*LeeAnn Pelham*].

Executive Director LeeAnn Pelham presented her report and there was no discussion.

5. Monthly policy and legislation report [*Heather Holt*].

Director of Policy and Legislation Heather Holt presented the item, and there was no further discussion.

6. Discussion and possible action on the proposed revisions to CEC Form 52 regarding neighborhood council financial disclosure filings [Heather Holt].

Holt explained that Councilmember Alarcón had asked the Commission to amend Form 52, so that it is an annual form required of all neighborhood council board members, rather than a form that is filed only when a neighborhood council participates in creating a neighborhood council file. A revised version of the form was presented to the Commissioners for consideration.

Treglia stated that he did not understand the need for neighborhood council disclosure. Jenkins voiced concerns about the staffing issues associated with the proposed disclosure, and Pelham responded that the Council will be made aware of the staffing needs associated with this new program. Public comment was heard from Leonard Schaffer, Daniel Wiseman, José Sigala, and BongHwan Kim. Camuñez stated that he does not think that the information requested in Form 52 is invasive. Zukin stated that she is comfortable with what the Commission previously put together, but she is concerned about a chilling effect on participation if every neighborhood council board member is required to file the form annually. Turner stated that, while neighborhood councils have an advisory role, they are still a part of local government's deliberative process; and he does not believe that the filing of this form will chill participation.

Camuñez moved to reaffirm the Commission's initial position that Form 52 is the most appropriate means of disclosure, to convey to the City Council that the Commission recommends Form 52 and disagrees with requiring universal disclosure of all neighborhood councils, to adopt a Form 53 as a form that should be used instead of Form 700 if the City Council determines that universal disclosure should be required, and to make some technical changes to the proposed form. Turner seconded the motion, and it was approved 4-1.

7. Snapshot of campaign finance data for 2009 City election through June 30, 2008 [Jennifer Bravo].

Senior Program Analyst Jennifer Bravo presented her report on campaign finance data for 2009 city election through June 30, 2008. Treglia mentioned that he did not understand the trends, but that everything looked good.

8. Discussion and possible action in connection with City Attorney communication regarding the enforceability of Los Angeles Charter Section 470(c)(10) in the wake of U.S. Supreme Court decision, *Davis v. FEC* [LeeAnn Pelham & Renee Stadel].

Pelham presented a report regarding *Davis v. FEC*, a United States Supreme Court decision, and its effect on the enforceability of Los Angeles City Charter Section 470(c)(10). Treglia commented that the *Davis* case is not applicable to the City's campaign finance system. Turner stated that he thinks that the Supreme Court's decision relied too much on the appearance of corruption rather than other considerations, such as equal rights. He questioned what impact this decision will have on the full public financing proposal. Deputy City Attorney Renee Stadel responded that the case before the Supreme Court did not address public financing, but the City Attorney's Office is watching that very closely and will keep the Commission informed. Pelham

added that there is a possible impact on Citywide candidates who may be contemplating spending up to \$50,000 in personal funds on their campaigns. Treglia encouraged the Commission to act with caution regarding this issue due to its implications on the public financing system. Camuñez stated that he is prepared to accept the staff's resolution but does not think that it goes far enough to address the underlining public policy question of leveling the playing field and ensuring access in elections. He asked staff to consider whether limits should be raised for all parties. Pelham suggested amending the resolution, to give candidates immediate information about the final impact of the decision and to add that the Commission will explore recommendations to remedy the imbalance that the Supreme Court decision has created. Camuñez moved to adopt the resolution as amended, and Treglia seconded. The amended resolution was adopted 5-0.

[Items 10 and 11 were taken out of order.]

10. Consideration of and action on the following proposed stipulated settlements:

**In the Matter of Los Angeles League of Conservation Voters, CEC Case No. 2008-14
[Deena Ghaly & Terra Messina].**

Zukin recused herself on this issue. Director of Enforcement Deena Ghaly presented the item. Camuñez asked if this was the standard on how the Commission has treated similar violations and if there were no other mitigating circumstances that would warrant anything further. Ghaly responded that it was and that there were no other mitigating circumstances. Turner asked if this was the first violation for the League, and Ghaly responded that they had no prior enforcement history with the Commission. Treglia moved to accept staff's recommendation, and Turner seconded. Staff's recommendation was accepted 4-0.

11. Consideration of and action on statements of economic interests for commission and department head SEI reviews [Shannon Prior].

Program Analyst Shannon Prior presented the item, and there were no questions or discussion. Camuñez moved to accept the staff's recommendation, and Turner seconded. Staff's recommendation was approved 5-0.

9. Discussion and possible action on initial recommendations regarding registration under the Municipal Lobbying Ordinance [Heather Holt].

Treglia recused himself on this item. Holt presented the first substantive issues resulting from the comprehensive review of the lobbying ordinance. The presentation identified staff recommendations regarding who should qualify as a lobbyist, what activities should constitute lobbying, and whether any categorical exemptions should apply. Public comment was heard from Robert Stern, Madeline Janis, Jim Sutton, Veronica Perez-Becker, Jim Clark, Elizabeth Bluestein, Luis Baglietto, Betty Ann Downing, Vanessa Rodriguez, Barbara Shultz, Steven Bullock, and Arnold Sachs. The Commissioners agreed to begin their discussion of the lobbying issues at the October meeting.

12. Announcements and requests to schedule items on future agendas.

There were no announcements or requests to schedule items on future agendas.

13. Adjournment.

The meeting was adjourned at 12:39.